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PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**Applicant(s):** Minoru Tsuruta, et al.**Examiner:** Unassigned**Serial No:** 10/084,557**Art Unit:** Unassigned**Filed:** February 26, 2002**Docket:** 15226**For:** MEDICAL RETRIEVAL INSTRUMENT **Dated:** May 9, 2002

Assistant Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231

**PRELIMINARY AMENDMENT AND RESPONSE TO NOTICE
OF OMITTED ITEMS IN A NONPROVISIONAL APPLICATION**

Sir:

Prior to examination and in response to the Notice of Omitted Items in a Nonprovisional Application issued March 26, 2002, please amend the above-identified application as follows:

IN THE DRAWINGS:

Attached is a "Request For Approval of Drawing Changes" accompanying additional Figures 2 and 3.

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on May 9, 2002.

Dated: May 9, 2002
Mishelle Mustafa

REMARKS

It is respectfully requested that this Preliminary Amendment be entered in the above-identified application prior to examination.

In the Notice of Omitted Items in a Nonprovisional Application, it is indicated that Figures 2 and 3 appear to be omitted from the application. By means of the present Preliminary Amendment, Figures 2 and 3 have been added.

Applicants respectfully submit that no new matter has been introduced into the application by way of the present amendment.

Firstly, the present application claims priority to Japanese Application serial Number 2001-070954, which is also **incorporated by reference** in the specification (see page 1, lines 3-5). A claim of priority, along with the priority document, was filed with the application on February 26, 2002. Applicants respectfully submit that Figures 2 and 3 appear in the priority document, and because of its incorporation by reference, the addition of Figures 2 and 3 to the present application cannot be considered new matter.

Secondly, Figures 2 and 3 illustrate a first embodiment of a holding section on a distal end of the medical instrument. The holding section is shown in Figures 1a, 1b, 1c, and 1d and described in the specification in detail. Therefore, Figures 2 and 3 merely show a detailed view of that which is described in the specification and shown in other Figures.

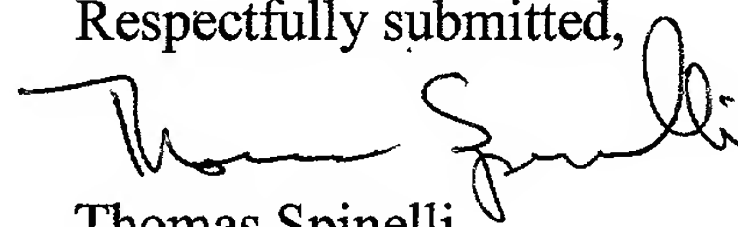
Furthermore, a variation of the holding section shown in Figures 2 and 3 is illustrated in detail in Figures 8a and 8b. Figures 8a and 8b illustrate an alternative embodiment of a holding section that is very similar to the holding section of the first embodiment shown in Figures 2 and 3. The specification states that the difference between the constitution of what is shown in Figures 2 and 3 and what is shown in Figures 8a and 8b is

that the grooves (22) are slanted and that in other constitutions, that which is shown in Figures 8a and 8b is the same as the first embodiment (Figures 2 and 3). Therefore, those of ordinary skill in the art would understand Figures 2 and 3 to be similar to Figures 8a and 8b except for the orientation of the grooves. However, the grooves are described as extending in the same direction as the sheath for the first embodiment (see page 8, lines 13-15) and shown and described as being slanted in the alternative embodiment.

In view of the above, those of ordinary skill in the art would not consider Figures 2 and 3 to be new matter but would be understandable from the description and other figures. Furthermore, Figures 2 and 3 are present in the priority document, which has been incorporated into the disclosure by its reference. Therefore, Applicants respectfully submit that the addition of Figures 2 and 3 by way of the present preliminary amendment is fully supported in the original disclosure and does not introduce new matter into the specification. Accordingly, it is respectfully requested that the present preliminary amendment be entered.

In view of the above, early and favorable consideration are respectfully requested.

Respectfully submitted,



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Enclosures (Notice Of Omitted Items In A Nonprovisional Application and
Request for Approval of Drawings Changes)

